

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOE HAND PROMOTIONS, INC., as
Broadcast Licensee of the June 11, 2005
Tyson/Mcbride Program,

Plaintiff,

-against-

RICARDO MARTINEZ, Individually and
d/b/a LUCKY 7,

Defendants.

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GEORGE B. DANIELS, District Judge:

After a default judgment was entered against both defendants, the Court referred this matter to Magistrate Judge Michael H. Dolinger for an inquest of damages. Magistrate Judge Dolinger issued a Report and Recommendation ("Report"), in which he recommended that judgment be entered against the defendants, jointly and severally, for \$15,000.00 in statutory damages, \$856.25 in attorneys' fees, and \$450.00 in costs, for a total award of \$16,306.25. In the Report, the magistrate judge advised the parties that failure to file timely objections to the Report may constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals. No objections were filed by any of the parties.

The Court may accept, reject or modify, in whole or in part, the findings and recommendations set forth in the Report. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the magistrate judge with instructions. *Id.* Where there are no objections, the Court may adopt the Report provided there "there is no clear error on the face of the record." *Adee Motor Cars, LLC v. Amato*, 388 F.Supp.2d 250, 253 (S.D.N.Y. 2005) (*quoting Nelson v. Smith*, 618 F.Supp. 1189 (S.D.N.Y. 1985)).

After reviewing the Report, the Court finds that the record is not facially erroneous. The Court, therefore, adopts the recommendations of Magistrate Judge Dolinger, and directs that

ORDER
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judgment be entered accordingly. This case is hereby closed.

Dated: New York, New York
October 16 , 2008

SO ORDERED:



GEORGE B. DANIELS
United States District Judge